

SCOTT MORRIS
TEXIDOR vs TROMBERG, MORRIS, & POULIN

August 16, 2023

97-100

<p style="text-align: right;">Page 97</p> <p>1 S. Morris</p> <p>2 they be licensed, especially in the city of</p> <p>3 New York, they have to be DCA licensed, and</p> <p>4 there has to be oversight on those process</p> <p>5 servers.</p> <p>6 Q. Anything else besides those</p> <p>7 requirements?</p> <p>8 A. Nope.</p> <p>9 Q. And in 2008 you were using your</p> <p>10 codefendant ABC Process Service for service</p> <p>11 of consumer debt collection lawsuits;</p> <p>12 correct?</p> <p>13 A. I believe that's correct.</p> <p>14 Q. And who made the decision to use</p> <p>15 ABC Process Service for that service?</p> <p>16 A. I believe it was Stephen Einstein.</p> <p>17 Q. And was that the only process</p> <p>18 service firm that was being used at that time</p> <p>19 for consumer debt collection lawsuits?</p> <p>20 A. I believe, but I can't confirm</p> <p>21 that.</p> <p>22 Q. And every attorney at your firm in</p> <p>23 2008 would have understood that a truthful</p> <p>24 Affidavit of Service was necessary to enter a</p> <p>25 default judgment against a consumer; correct?</p>	<p style="text-align: right;">Page 99</p> <p>1 S. Morris</p> <p>2 MR. KESHAVARZ: Sorry for</p> <p>3 interrupting.</p> <p>4 Q. And at what point did Stephen</p> <p>5 Einstein stop using ABC Process Service?</p> <p>6 A. I have no idea.</p> <p>7 Q. So does that mean that it was when</p> <p>8 you were not at the firm?</p> <p>9 A. I believe it was prior to me</p> <p>10 leaving the firm, but I don't know the dates</p> <p>11 and when he made the decision.</p> <p>12 Q. What was the basis of the decision?</p> <p>13 A. Like I said, I don't know why he</p> <p>14 did or when he did.</p> <p>15 Q. Did you ever communicate with Jay</p> <p>16 Brodsky in 2008?</p> <p>17 A. I've communicated with Jay Brodsky.</p> <p>18 I couldn't tell you if in 2008 I communicated</p> <p>19 with him.</p> <p>20 Q. And did you communicate with him</p> <p>21 pursuant to your work at Stephen Einstein?</p> <p>22 A. Yes.</p> <p>23 Q. And what were you communicating</p> <p>24 with him about?</p> <p>25 A. We'd communicate based upon process</p>
<p style="text-align: right;">Page 98</p> <p>1 S. Morris</p> <p>2 A. Correct.</p> <p>3 Q. And your firm would -- I think you</p> <p>4 previously testified to this, but your firm</p> <p>5 would retain copies of Affidavits of Service</p> <p>6 for seven years; correct?</p> <p>7 A. Potentially more. We closed them</p> <p>8 seven years from the date of the file being</p> <p>9 closed. So if a file was open for ten years,</p> <p>10 it would be open for another seven years from</p> <p>11 the closure date.</p> <p>12 Q. I see. So that seven-year</p> <p>13 retention period is based on whether the file</p> <p>14 is closed or not in your system?</p> <p>15 A. Correct.</p> <p>16 Q. And is that automatic, or is it</p> <p>17 something that they manually go through and</p> <p>18 determine if it's more than seven years?</p> <p>19 A. It's done on an annual basis.</p> <p>20 MR. KESHAVARZ: Wait. Did you say</p> <p>21 it was done on an annual basis</p> <p>22 automatically or annual basis manually?</p> <p>23 I'm sorry. I didn't catch that.</p> <p>24 THE WITNESS: Manually on an annual</p> <p>25 basis.</p>	<p style="text-align: right;">Page 100</p> <p>1 S. Morris</p> <p>2 of service. We'd communicate on compliance</p> <p>3 management work. I know one of the things we</p> <p>4 did institute I believe with Jay and then</p> <p>5 predecessors is once we started seeing stuff</p> <p>6 like the Pfau case, which obviously wasn't</p> <p>7 ABC, it was a different process server, try</p> <p>8 and institute some type of reporting just to</p> <p>9 look for potential sewer service infractions.</p> <p>10 Q. And when was that instituted?</p> <p>11 A. I couldn't tell you the year.</p> <p>12 Q. Was it after 2008?</p> <p>13 A. I don't remember.</p> <p>14 Q. Could you determine what year that</p> <p>15 was?</p> <p>16 A. It was probably somewhere around</p> <p>17 when Pfau was going through the court system.</p> <p>18 Q. How long does your firm retain</p> <p>19 emails?</p> <p>20 A. I believe it's a seven-year</p> <p>21 retention period as well.</p> <p>22 Q. And was that the case in 2008?</p> <p>23 A. I don't believe so.</p> <p>24 Q. Do you know what it was in 2008?</p> <p>25 A. I don't think there was a policy as</p>